

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:17-HC-2025-BR

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
DANIEL WAYNE PARSONS,)	
)	
Respondent.)	

This case, brought under 18 U.S.C. § 4248 (“§ 4248”), comes before the court on a motion (D.E. 11) filed by the government on 8 March 2017. The motion seeks, in part, an order, pursuant to paragraph 5(j) of the Standing Order re Procedures for Commitments under [§ 4248], No. 13-SO-2 (E.D.N.C. 21 Oct. 2013) (“Standing Order”), allowing a licensed psychologist it has retained pursuant to Fed. R. Civ. P. 26(b)(4), Gary Zinik, Ph.D., to examine respondent, that is, conduct a clinical interview of him. The motion is supported by a memorandum (D.E. 12). The government represents that Dr. Zinik is available to conduct the interview by 3 April 2017. The motion also requests, pursuant to Fed. R. Civ. P. 16(b)(4), a three-day extension, to 14 April 2017, of the 11 April 2017 expert report deadline under paragraph 4(b)(i) of the scheduling order (D.E. 5) to provide Dr. Zinik sufficient time to complete a report encompassing the examination. Respondent filed a response opposing the government’s motion for an examination by Dr. Zinik. However, respondent does not object to the extension to submit the report should the court allow the examination.

The court finds that the government has adequately justified the examination by Dr. Zinik. The government represents that Dr. Zinik “requests to conduct an examination of Respondent as part of his evaluation” and “represents that a clinical interview is the standard

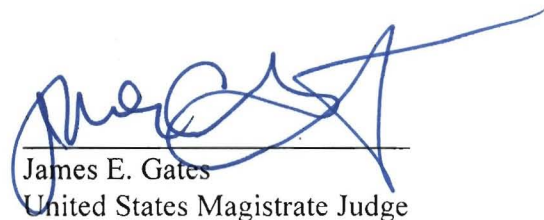
professional practice and the best way to complete a comprehensive psychological review.” Resp.’s Mem. 2-3. Dr. Zinik is qualified to conduct the examination. *See* Dr. Zinik’s Curriculum Vitae (D.E. 12-1). The examination would not be unduly burdensome to respondent, and respondent did not make such an assertion.

Moreover, the examination would not unreasonably delay proceedings in this case. The examination of respondent and submission of the report on the examination can be completed by the current discovery deadline of 31 May 2017. *See* Sched. Order ¶ 6. There is also time for any deposition of Dr. Zinik, if one is sought. No date has been set for the commitment hearing. The government acted with adequate diligence in moving for the examination by Dr. Zinik.

IT IS THEREFORE ORDERED as follows:

1. The government’s motion (D.E. 11) is ALLOWED.
2. Dr. Zinik may conduct an examination of respondent by 3 April 2017.
3. Respondent shall fully cooperate in the examination.
4. The government shall file Dr. Zinik’s report on his evaluation of respondent (which shall encompass his examination of respondent) by 14 April 2017.

SO ORDERED, this 16th day of March 2017.



James E. Gates
United States Magistrate Judge